

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Estacada School District 108 (the district) enters into this agreement to resolve the allegations in OCR Reference No. 10181008, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

II. TRAINING

- A. The district will provide a training to all administrators and teaching staff at Estacada Middle and High Schools on their obligation to provide regular and special education and related aids and services to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. The training will be conducted by someone who is qualified and has expertise in Section 504 and Title II.
- B. Reporting Provisions:
 - 1. By December 1, 2020, the district will submit to OCR, for its review and approval, a draft of its training lesson plan, including handouts, if any. If OCR requires any changes to the lesson plan, the district will re-submit the revised lesson plan within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the training lesson plan.
 - 2. By March 1, 2021, the district will provide OCR with a report demonstrating that it conducted the training described in II.A., above. The report will include a detailed description or lesson plan of the training given, the time(s) and date(s) of the training, any handouts or presentation slides used during the training, a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer.

III. ACCESSIBILITY

- A. Assessment
 - 1. The district will, in consultation with OCR, conduct an accessibility assessment of the designated accessible restroom and the exterior

accessible-designated walkways and crosswalk signals at Estacada High School. Based on this assessment and in consultation with OCR, the district will determine whether modifications are necessary to ensure the specific elements of the school comply with the applicable Section 504 and Title II accessibility standards.

2. The district will, in consultation with OCR, conduct an accessibility assessment of the exterior accessible-designated walkways at Estacada Middle School. Based on this assessment and in consultation with OCR, the district will determine whether modifications are necessary to ensure the specific elements of the school comply with the applicable Section 504 and Title II accessibility standards.

B. Action Plan

1. If there is a determination, based on the assessment conducted of Estacada High School pursuant to section III.A., above, that modifications are required, the district will develop and submit to OCR for review and approval, a draft action plan that details specific steps the district will take to address the deficiencies identified as a result of the district's assessment. The action plan will contain timelines for the completion of the necessary modifications, including, as necessary, architectural consulting, obtaining plans, funding, and anticipated weather delays.
2. If there is a determination, based on the assessment conducted of Estacada Middle School pursuant to section III.A., above, that modifications are required, the district will develop and submit to OCR for review and approval, a draft action plan that details specific steps the district will take to address the deficiencies identified as a result of the district's assessment. The action plan will contain timelines for the completion of the necessary modifications, including, as necessary, architectural consulting, obtaining plans, funding, and anticipated weather delays.

C. Implementation

1. After receiving approval, the district will complete its implementation of the approved action plans developed under III.B., above in accordance with the timeline specified in the action plan.

D. Reporting Provisions

1. By December 1, 2020, the district will provide OCR with a report on its assessment of the designated accessible restroom and the exterior accessible-designated walkways and crosswalk signals at Estacada High School. The report will include, at a minimum, the accessibility standard applied (e.g., ANSI, UFAS, ADAAG, etc ...), the measurements and photographs of each specific feature, and the deficiencies found, if any.
2. By December 1, 2020, the district will provide OCR with a report on its assessment of student restrooms and the exterior accessible-designated walkways and crosswalk signals at Estacada Middle School. The report will include, at a minimum, the accessibility standard applied (e.g., ANSI, UFAS, ADAAG, etc ...), measurements and photographs of each specific feature, and the deficiencies found, if any.
3. Within 60 days of receiving OCR approval of the assessment, the district will provide OCR with a draft of its action plan, if needed pursuant to III.B above, for Estacada High School for review. OCR will approve the action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised action plan.
4. Within 60 days of receiving OCR approval of the assessment, the district will provide OCR with a draft of its action plan, if needed pursuant to III.B above, for Estacada Middle School for review. OCR will approve the action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised action plan.
5. Within 90 days of receiving OCR's approval of the action plan, and every 90 days thereafter until completion, the district will provide a report to OCR describing the specific steps and actions completed under its action plan pursuant to section III.B., above.

IV. STUDENT REMEDIAL SERVICES

- A. The district will provide the complainant a letter that will:
1. provide information to the complainant regarding the District's commitment to implement the Student's IEP, commitments as listed in this agreement, and the District's practices to ensure each and every student supported by special education is receiving both their regular, specially designed instruction, accommodations and modifications as outlined in any IEP.
 2. include a written offer of reimbursement to the complainant for all out-of-pocket expenses incurred by the complainant that are associated with lifting and transferring the student onto and off of a parade float during the district's 2017 Homecoming Parade;
 3. include a written offer to reimburse the complainant for expenses incurred by the complainant as a direct result of transporting the student to and from the physical therapist's office for the purpose of training the aides and other staff members between April 14th, 2017 and September 4th, 2018. Reimbursement will be for mileage and calculated at the standard rate of 57.5 cents per mile;
 4. The district's letter will inform the complainant that she has thirty calendar days from the date of the letter to accept the offers of reimbursement by providing written notice of acceptance to the district. The letter will also inform the complainant of the documentation necessary for reimbursement.
- B. The district will offer to the complainant and, if the offer is accepted, provide compensatory education services in American Sign Language (ASL) for the Student.
- C. Reporting Provisions
1. By December 1, 2020, the district will submit to OCR, for its review and approval, a copy of the letter drafted in accordance with Section IV.A., above. If OCR requires changes to the letter, the district will re-submit the letter within 30 calendar days of receiving notice of the required changes. The district and OCR will continue this process until OCR approves the letter.
 2. Within 60 calendar days of receiving OCR's written approval of the letter, the district will provide OCR with documentation

demonstrating its compliance with section IV.A., above, including a copy of the signed letter and copies of all responses received, if any. If the complainant accepts the offer of reimbursement, the district will provide OCR with documentation that it provided the reimbursement. If reimbursement is denied by the district, the district will provide OCR with documentation substantiating the reason for not providing the reimbursement.

3. By November 1, 2020, the district will provide OCR with a proposed plan of compensatory services in ASL to be provided to the student, including the start date, type of service, and anticipated duration of such service. The proposed plan may include different options for the Student. If OCR requires any changes to the plan, the district will re-submit the plan within 30 days of the notification of OCR's changes. The district and OCR will repeat this process until OCR approves the plan.
4. Within 30 calendar days of receiving OCR's written approval of the plan, the district will offer the complainant the compensatory services in ASL to be provided to the Student consistent with the plan, , with a minimum of 20 days for the complainant to respond to the district's offer. If the complainant accepts the offer, the district will begin providing those services.
5. If the complainant accepts the offer of compensatory ASL program services, the district will provide a report to OCR within 30 days of completing the compensatory services that demonstrates that the compensatory services were provided to the Student. If the Parent does not accept the offer of compensatory ASL program services, or does not respond to the offer within the timeline contained in the offer, the district will provide a report to OCR within 30 days of the parent's rejection or expiration of the timeline in the letter, demonstrating that the complainant rejected, or did not respond to, the district's offer.

V. GENERAL MONITORING PRINCIPLES

- A. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of this agreement, if necessary, OCR may visit the district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the district has fulfilled the terms of this agreement. Upon the district's

satisfaction of the commitments made under this agreement, OCR will close this case.

- B. The district understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement under 34 C.F.R. §§ 100.9 and 100.10, or judicial proceedings, including to enforce this agreement, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

9/22/20

Ryan Carpenter
Superintendent
Estacada School District 108

Date